

MANDATE

S.D.N.Y.-N.Y.C.
19-cr-56
Liman, J.

United States Court of Appeals
FOR THE
SECOND CIRCUIT

At a stated term of the United States Court of Appeals for the Second Circuit, held at the Thurgood Marshall United States Courthouse, 40 Foley Square, in the City of New York, on the 6th day of March, two thousand twenty-three.

Present:

William J. Nardini,
Sarah A. L. Merriam,
Circuit Judges,
Gary S. Katzmann,
*Judge.**

USDC SDNY
DOCUMENT
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DATE FILED: Mar 27 2023

United States of America,

Appellee,

v.

22-326

Paul Thompson, AKA Sealed Defendant 1,

Defendant-Appellant.

The Government moves to dismiss this appeal as barred by the waiver of appellate rights contained in Appellant's plea agreement, in which Appellant agreed to waive his right to challenge a sentence within or below a stipulated guidelines range. Upon due consideration, it is hereby ORDERED that the motion is GRANTED and the appeal is DISMISSED. Appellant was sentenced within the stipulated range, and his opening brief challenges only the substantive reasonability of his sentence, an issue within the scope of the waiver. Appellant has not otherwise demonstrated that the waiver of his appellate rights is unenforceable under *United States v. Gomez-Perez*, 215 F.3d 315, 319 (2d Cir. 2000). Accordingly, we enforce the waiver by dismissing the appeal.

A True Copy

Catherine O'Hagan Wolfe, Clerk

United States Court of Appeals, Second Circuit



FOR THE COURT:

Catherine O'Hagan Wolfe, Clerk of Court




MANDATE ISSUED ON 03/27/2023

* Judge Gary S. Katzmann, of the United States Court of International Trade, sitting by designation.